

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

FREEDOM FOUNDATION, a  
Washington non-profit corporation,

Plaintiff,

v.

JOEL SACKS, in his official capacity as  
Director of Washington State Department  
of Labor & Industries; HEATHER  
NORMOYLE, in her individual capacity;  
and ELIZABETH SMITH, in her  
individual capacity,

Defendants.

NO. 3:19-cv-05937-BJR

JOINT STIPULATION AND  
MOTION TO SET BRIEFING  
SCHEDULE AND TO EXTEND  
CASE SCHEDULE ORDER  
DATES

**I. MOTION**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and Local Civil Rules 7(d)(1) and 10(g), and the Court's Standing Order (Dkt. 61), the parties to the above-captioned case, including the Plaintiff, FREEDOM FOUNDATION ("Plaintiff" or the "Foundation"); JOEL SACKS, in his official capacity as Director of the WASHINGTON STATE DEPARTMENT OF LABOR & INDUSTRIES; and HEATHER NORMOYLE, and ELIZABETH SMITH (collectively, the "Defendants"); by and through their undersigned attorneys, have stipulated to and hereby jointly request the Court's approval of a consolidated briefing schedule for Cross-Motions for Summary Judgments and an extension of time, of sixty

(60) days, to the other case schedule deadlines in this matter, and in support thereof, further state as follows:

1. Plaintiff's original Complaint was filed on October 2, 2019 (Dkt. 1), and the Parties stipulated to the filing of an Amended Complaint on December 13, 2019 (Dkt. 16).

2. On February 7, 2020, the Court issued its Minute Order Setting Trial and Pretrial Dates. Subsequently, on August 24, 2020, the Court signed an Order for Stipulated Extension of Discovery Cutoff and Related Deadlines (the "Schedule Order") (Dkt. 58).

3. The Schedule Order establishes a deadline of December 14, 2020, for dispositive motions, and schedules trial to be held in March, 2021, with pretrial deadlines in February and March, 2021.

4. The Parties have concluded discovery pursuant to the Schedule Order and have prepared Cross-Motions for Summary Judgment, which the Parties believe will dispose of all claims in this case. The Parties believe judicial economy will best be served by consolidating these Cross-Motions.

5. The Defendants filed their Motion for Summary Judgment and supporting papers on December 4, 2020 (Dkts. 63–65).

6. The undersigned counsel for the parties have conferred and agreed upon a briefing schedule for Plaintiff's Cross-Motion for Summary Judgment and Response to Defendants' Motion for Summary Judgment, the Defendants' Response and Reply, and Plaintiff's Reply.

7. The Parties stipulate to and request entry of the following schedule for their Cross-Motions for Summary Judgment:

- i. Plaintiff's Response and Cross-Motion for Summary Judgment due January 7, 2021, maximum of forty-five (45) pages.
- ii. Defendants' Consolidated Response and Reply due February 4, 2021, maximum of forty (40) pages.

1           iii. Plaintiff's Reply due February 18, 2021, maximum of twenty-five (25) pages.

2           8. The undersigned counsel have further conferred concerning the length of the  
3           aforementioned extension of the Schedule Order (Dkt. 58), and agree that an additional sixty  
4           (60) days will likely be sufficient to allow for counsel to conclude the necessary briefing and for  
5           the Court to consider the Cross-Motions and potentially schedule a hearing, should it be so  
6           inclined. Counsel therefore jointly request that all remaining scheduling order dates be extended  
7           by sixty (60) days.

8           9. No party will be prejudiced by such relief. Moreover, a minor delay will not  
9           require any greater expenditure of the Court's time or resources, and will allow all parties to  
10          brief their respective dispositive motions for the Court's consideration.

11          10. For the Court's convenience, the proposed modification to the existing Schedule  
12          Order (Dkt. 58) is set forth below.

- |                   |   |                |
|-------------------|---|----------------|
| 13           i.   | Motions in <i>limine</i> should be FILED and NOTED by:          | April 12, 2021 |
| 14           ii.  | Agreed pretrial order LODGED with the Court by:                 | April 26, 2021 |
| 15           iii. | Pretrial conference will be held at 8:30 a.m. on:               | May 3, 2021    |
| 16           iv.  | Trial brief, proposed <i>voir dire</i> & jury instructions due: | May 3, 2021    |
| 17           v.   | FIVE DAY JURY TRIAL set for 9:00 a.m. on:                       | May 17, 2021   |

18          **WHEREFORE**, the Plaintiff and Defendants jointly request that the instant motion be  
19          granted, that the Court accept foregoing consolidated briefing schedule, that the remaining  
20          Scheduling Order dates be extended by sixty (60) days, that the present case schedule be further  
21          modified as set forth above, and that the Court order such other relief as is deemed equitable and  
22          just.

## II. STIPULATION

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, that this Court should enter an order providing that:

1. The following briefing and hearing schedule shall govern resolution of this case:

DATE	EVENT
January 7, 2021	Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment (Maximum 45 pages)
January 28, 2021	Defendants' Opposition to Plaintiff's Cross-Motion and Reply in Support of Motion for Summary Judgment (Maximum 40 pages)
February 14, 2021	Plaintiff's Reply in Support of Cross-Motion for Summary Judgment (Maximum 25 pages)
April 12, 2021	Motions in <i>limine</i> should be FILED and NOTED
April 26, 2021	Agreed pretrial order LODGED with the Court
May 3, 2021	Pretrial conference will be held at 8:30 a.m.
May 3, 2021	Trial brief, proposed <i>voir dire</i> & jury instructions due
May 17, 2021	JURY TRIAL set for 9:00 a.m.

2. Except as amended via this stipulation, all other scheduling Orders issued in this case shall remain in full force and effect.

It is SO AGREED this 10th day of December, 2020.

/s/ Brendan Selby

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**ORDER**

Having reviewed the foregoing stipulation and good cause appearing therefore, IT IS  
HEREBY ORDERED:

1. The following briefing and hearing schedule shall govern resolution of this case:

DATE	EVENT
January 7, 2021	Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment (Maximum 45 pages)
January 28, 2021	Defendants' Opposition to Plaintiff's Cross-Motion and Reply in Support of Motion for Summary Judgment (Maximum 40 pages)
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May 3, 2021	Pretrial conference will be held at 8:30 a.m.
May 3, 2021	Trial brief, proposed <i>voir dire</i> & jury instructions due
May 17, 2021	JURY TRIAL set for 9:00 a.m.

2. Except as amended via this stipulation, all other scheduling Orders issued in this case shall remain in full force and effect.

IT IS SO ORDERED.

DATED this 11th day of December, 2020.



The Honorable Barbara J. Rothstein  
U.S. DISTRICT COURT JUDGE